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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,896	06/28/2006	Gerardus Henricus Broeksteeg	NL040049	1953

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EXAMINER

HUERTA, ALEXANDER Q

ART UNIT	PAPER NUMBER
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2427

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,896	Applicant(s) BROEKSTEEG, GERARDUS HENRICUS	
	Examiner Alexander Q. Huerta	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 April 2009 has been entered.

Response to Arguments

On page 6 of the Applicant's Response, applicant argues that Rodriguez distinguishes between storing data in a buffer and storing data on a storage device.

In response to the Applicant's arguments, the Examiner agrees that Rodriguez distinguishes between storing data in a buffer and storing data in a storage device such as a hard disk drive. However, the claims merely recite "a storage device" and make no distinction between storing a data in a buffer or a hard disk drive. Furthermore, the Examiner notes the claims are interpreted in light of the specification, however the limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21, 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 21 and 31 recite the limitation "where, if a program information is sequentially repeated, the repeated program information is deleted." The specification discloses deleting chapter markers [0071] and also deleting from the hard disk titles that have already been watched by the user [0097]. The specification does not disclose the deletion of the repeated program information when a program information is sequentially repeated.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 22-26, 28, 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by West et al. (US Pub. **2003/0110514**), herein referenced as West.

Regarding **claim 18**, West discloses “a method of displaying a plurality of program information corresponding to a plurality of content material stored on a storage device (TSB 378), comprising: storing the program information on a storage device upon each occurrence of a change to a new channel, the program information including a title of the content material on the new channel, and displaying at least a portion of each title of the plurality of program information on the storage device, except titles that correspond to content material having a recording duration that is less than a defined time period.” ([0079], [0086], [0097], [0109], [0111]-[0113], Figs. 3A, 11-15, i.e. West discloses a surf buffer in which programs are stored each time a user changes to a new channel or “surfs”. The programs are displayed on a progress bar so that the user is able to see which parts of the program are available/buffered while the video is displayed in portion 1205. In addition, users may set a threshold viewing time that has to be attained before the program will be buffered).

Regarding **claim 22**, West discloses “receiving user input and modifying the program information based on the user input.” ([0082], [0112]-[0113], i.e. the user can rewind or fast-forward the buffered media content).

Regarding **claim 23**, West discloses that “each displayed title is displayed along a time line, at times corresponding to times of storing the content material.” ([0111]-[0115], Figs. 11-15, i.e. programs MCI 1-4 are displayed along the progress bar at their corresponding recorded times).

Regarding **claim 24**, West discloses “receiving user input that identifies a select time along the time line, and commencing display of the content material based on the

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select time.” ([0111]-[0115], Figs. 11-15, i.e. users can rewind or fast-forward the buffered media content. The status arrow will reflect the current viewing position of the program along the progress bar).

Regarding **claim 25**, West discloses that “the display of the content material commences at a start of the content material.” ([0111]-[0115], Figs. 11-15, i.e. the user can rewind or fast-forward the buffered media content until the status arrow is at the start of a program).

Regarding **claim 26**, West discloses that “the time line includes title markers indicating a start of each content material ([0111], Fig. 12 El. 1227, i.e. the title portion displays the name of the buffered program and the start time) and a characteristic associated with the content material.” ([0112]-[0113], Figs. 12-13, i.e. the progress bar will display which portions of the program are unavailable for rewinding or fast-forwarding).

Regarding **claim 28**, West discloses “a storage device (DHCT 16) including: a receiver (tuner system 345) that is configured to receive content data, a storage element (storage device 373) that is configured to store a plurality of content data and corresponding program information, the program information including a title corresponding to the content data; and a controller (controller 379) that is configured to: store the program information at the storage element upon each occurrence of a change to a new channel, and generate a display of at least a portion of each title of the plurality of program information, except titles that correspond to content material having a recording duration that is less than a defined time period.” ([0047], [0072], [0079],

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[0086], [0097], [0109], [0111]-[0113], Figs. 3A, 11-15, i.e. West discloses a surf buffer in which programs are stored each time a user changes to a new channel or “surfs”. The programs are displayed on a progress bar so that the user is able to see which parts of the program are available/buffered while the video is displayed in portion 1205. In addition, users may set a threshold viewing time that has to be attained before the program will be buffered).

Regarding **claims 32-36**, claims 32-36 are interpreted and thus rejected for the reasons set forth above in the rejections of claims 22-26, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Ellis et al. (US Pub. **2008/0181574**), herein referenced as Ellis.

Regarding **claim 19**, West teaches of a channel surf buffer in which buffered programs are displayed on a progress bar (Figs. 11-15), in addition users may select a threshold for viewing time that a media content instance must attain before buffering ([0086], [0097]), however West fails to explicitly disclose that “if a same title is stored before and after one or more titles of content material having recording durations less than the defined time period, the same title is displayed only once.”

Ellis discloses “if a same title is stored before and after one or more titles of content material..., the same title is displayed only once.” ([0029], i.e. Ellis teaches that when a user tunes away and returns to a particular program, the buffer will combine the video buffered before with the video when the user returned, thus displaying the same title once in the buffer). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying the same title only once when a user tunes away then returns back to the same program as taught by Ellis, to improve the surf buffer progress bar system of West for the predictable result of allowing continuous buffering of higher significance programs versus buffering the program in fragments caused by channel surfing.

Regarding **claim 29**, claim 29 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 19.

Claims 20, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Rodriguez et al. (US Pub. **2002/0168178**), herein referenced as Rodriguez.

Regarding **claim 20**, West discloses that a user may select a threshold for a viewing time that a media content instance must attain before buffering ([0086], [0097]), however fails to explicitly disclose “deleting, from the storage device, the program information corresponding to the content material having recording duration less than the defined time period.”

Rodriguez teaches “deleting, from the storage device, the program information corresponding to the content material having recording duration less than the defined time period.” ([0143]-[0145], [0149]-[0151], i.e. the PVR application makes a determination when a new channel is requested whether or not the currently buffered channels meet a minimum threshold. If a previously buffered channel does not meet the threshold the previous channel will be deleted from the buffer in favor of the new request channel). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of deleting a program that has a recording duration less than a defined time period as taught by Rodriguez, to improve the surf buffer progress bar system of West for the predictable result of recording only channels of higher significance to the viewer versus channels that the user is just “surfing” through to find a program to watch.

Regarding **claim 30**, claim 30 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 20.

Claims 21, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Rodriguez and in further view of Logan et al. (US Pub. **2003/0093790**) and Hasegawa (US Pub. **2006/0078299**), herein referenced as Logan and Hasegawa, respectively.

Regarding **claim 21**, the combination of West and Rodriguez fails to explicitly disclose that “if a program information is sequentially repeated, the repeated program information is deleted.”

Logan discloses that "if a program information is ...repeated, the repeated program information is deleted." ([0388], i.e. Logan teaches a memory management mechanism that deletes duplicate program segments). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of deleting repeated program information that was sequentially repeated as taught by Logan, to improve the surf buffer progress bar system of West for the predictable result of improved memory management by saving memory space.

The combination still fails to explicitly disclose that "program information is sequentially [stored]..."

Hasegawa discloses that "program information is sequentially [stored]..." ([0072], i.e. programs are sequentially stored in video recording file). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of sequentially storing program information as taught by Hasegawa, to improve the surf buffer progress bar system of West for the predictable result of easily managing and retrieving programs from storage.

Regarding **claim 31**, claim 31 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 21.

Claims 27, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Kaminski et al. (US Pub. **992003/0121055**), herein referenced as Kaminski.

Regarding **claim 27**, West teaches of a channel surf buffer in which multiple buffered programs are displayed on a progress bar (Figs. 11-15), however fails to explicitly disclose “indicating whether ... corresponding content material has been viewed by a user.”

Kaminski teaches “indicating whether ... corresponding content material has been viewed by a user.” ([0078], Fig. 5, i.e. Kaminski discloses an example of a user is currently watching a show in real-time while the show is being buffered. The accessible portion 530 represents the buffered portion of the program and thus indicates what has already been viewed by the user). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of indicating whether the program has been viewed by the user as taught by Kaminski, to improve the surf buffer progress bar system of West for the predictable result of allowing the viewer to see how much of the program they have currently watched while buffering and to determine if they wish to continue buffering.

Regarding **claim 37**, claim 37 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 27.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Q. Huerta whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta
Examiner
Art Unit 2427

May 8, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427